

**MEMBERS PRESENT:**

Laurie A. Boivin, Tribal Chairwoman  
Randal Chevalier – (*Late in at 5:21 p.m.*)  
Lynnette A. Miller  
Myrna R. Warrington  
Lisa S. Waukau  
Bruce J. Pecore  
Kenneth A. Fish  
David A. Miller – (*Late in at 5:07 p.m.*)  
Rebecca D. Alegria

**1. Call to Order – Roll Call.**

Chairwoman Boivin called the recessed regular meeting of the Menominee Tribal Legislature to order at 5:04 P.M. Roll call was taken and a quorum was present.

**24. Approval of Minutes: June 3, 2010 – Regular; 2) June 17, 2010 – Regular; & 3) June 26, 2010 – Special.**

**June 3, 2010 – Regular;**

**MOTION BY LYNNETTE MILLER TO APPROVE THE JUNE 3, 2010 MEETING MINUTES WITH ANY POTENTIAL CORRECTIONS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 2 ABSENT (CHEVALIER & D. MILLER).**

**2) June 17, 2010 – Regular; &**

**MOTION BY LYNNETTE MILLER TO APPROVE THE JUNE 17, 2010 MEETING MINUTES WITH ANY POTENTIAL CORRECTIONS. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 2 ABSTENTIONS (ALEGRIA & FISH), AND 1 ABSENT (D. MILLER).**

**PLEASE NOTE:** Legislator Alegria qualified her abstention as follows: "*excused absence.*"

**Legislator Fish qualified his abstention as follows:** "*We were excused for Kurdistan.*"

**3) June 26, 2010 – Special.**

**MOTION BY REBECCA ALEGRIA TO APPROVE THE MENOMINEE TRIBAL LEGISLATURE MINUTES FOR THE SATURDAY SPECIAL MEETING OF JUNE 26, 2010 AS IS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (L. MILLER), AND 1 ABSENT (D. MILLER).**

**PLEASE NOTE:** Legislator L. Miller qualified her abstention as follows: "*I wasn't there.*"

**25. Legislative Time on Task Reports.**

Chairwoman Boivin stated this will become a separate agenda item for Legislative action, because it was not clearly visible. Legislator's discussed their time on task report recommendations, and it was agreed upon that their recommendations would be sent to the Committee's and Task Forces for review and consideration.

**MOTION BY REBECCA ALEGRIA TO APPROVE THE TIME ON TASK RECOMMENDATIONS OF AUGUST 5, 2010 NUMBERS 1 THROUGH 25. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (CHEVALIER).**

This document will be maintained by the Executive Secretary as an ongoing document to be approved at every Legislative meeting, and recommendations will be sent to the respected Committee's for review and consideration.

**26. Travel Authorization Requests.**

**MOTION BY BRUCE PECORE TO APPROVE TRAVEL AUTHORIZATION REQUESTS FOR: 1) LUNCH WITH PRESIDENT OBAMA ON AUGUST 16, 2010 IN MILWAUKEE, WI FOR CHAIRWOMAN BOIVIN, LEGISLATOR WARRINGTON, LEGISLATOR LYNNETTE MILLER, LEGISLATOR PECORE, LEGISLATOR ALEGRIA, AND LEGISLATOR FISH; 2) ANNUAL CONSULTATION MEETING ON AUGUST 18, 2010 IN CRANDON, WI FOR CHAIRWOMAN BOIVIN; 3) WHEDA TRIBAL CONSULTATION MEETING ON AUGUST 19, 2010 IN CRANDON, WI FOR LEGISLATOR FISH AND LEGISLATOR ALEGRIA; 4) GOVERNOR'S PICNIC ON AUGUST 16, 2010 IN MADISON, WI WITH CHAIRWOMAN LAURIE BOIVIN, LEGISLATOR KENNETH FISH, AND LEGISLATOR REBECCA ALEGRIA. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (CHEVALIER).**

**MOTION BY LISA WAUKAU TO AUTHORIZE AN EXPENDITURE OF \$250 PER SIX (6) LEGISLATOR'S TO ATTEND THE PRESIDENT OBAMA LUNCHEON ON AUGUST 16, 2010. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (CHEVALIER).**

**27. Committee Reports and Recommendations:**

Chairwoman Boivin informed MTL that there were two (2) other action items that was not listed on the agenda, but required MTL approval.

**a) Community Development Committee of July 13, 2010.**

**MOTION BY DAVID MILLER TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE OF JULY 13, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO OFFER THE TUCKER PROPERTY HOME TO THE MENOMINEE COUNTY FIRE DEPARTMENT FOR USE AS A FIRE TRAINING EXERCISE. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**MOTION BY DAVID MILLER TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE OF JULY 13, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO APPROVE ALLIANT ENERGY'S SURVEYING PROPOSAL, WHICH WILL BE FULLY FUNDED BY THEIR COMPANY. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**i. Request a Legal Opinion Regarding the Trailer Removal/Abandonment Process; &**

**MOTION BY DAVID MILLER TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE OF JULY 13, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE THAT: 1) THE LEGAL DEPARTMENT PROVIDE THE COMMITTEE WITH AN ANSWER REGARDING THE TRAILER REMOVAL/ABANDONMENT PROCESS BEFORE THE NEXT REGULAR MEETING; 2) THAT THE COMMITTEE TABLE THE MOBILE HOME VARIANCE REQUEST OF LANA WHITE UNTIL THE UPDATE IS RECEIVED FROM THE LEGAL DEPARTMENT AND SHE PROVIDES A CLEAR TITLE TO THE TRAILER HOME. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**ii. Approval of Warren Property Request.**

**MOTION BY DAVID MILLER TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE OF JULY 13, 2010 TO RENT THE WARREN PROPERTY TO WAYNE CONNAHVICHNAH PENDING THE MENOMINEE TRIBAL LEGISLATURE DOES NOT WANT TO LEASE TO OWN THE PROPERTY. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**b) Budget and Finance Committee of July 19, 2010.**

**i. Request Approval to Raise Space Rental Fees; &**

**MOTION BY LISA WAUKAU TO CONCUR WITH THE BUDGET AND FINANCE COMMITTEE OF JULY 19, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE FISCAL YEAR 2011 SPACE RENTAL RATES AS REVISED IN THE PACKET. (HEADQUARTERS AT \$16.11 PER SQUARE FOOT; GORDON DICKIE CENTER AT \$15.12**

**PER SQUARE FOOT; LEGAL SERVICES AT \$8.75 PER SQUARE FOOT; RECREATION CENTER AT \$4.66 PER SQUARE FOOT; AND THE LIBRARY AT \$12.10 PER SQUARE FOOT). NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**ii. Request Approval to become Part of the Financial Discussions.**

**MOTION BY LISA WAUKAU TO CONCUR WITH THE BUDGET AND FINANCE COMMITTEE OF JULY 19, 2010 TO RECOMMEND TO THE LEGISLATURE THAT GIVEN THE STATE OF THE ECONOMY AND THE TRIBE'S FINANCIAL STATUS THAT THE BUDGET AND FINANCE COMMITTEE BECOME PART OF THE FINANCIAL DISCUSSIONS. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**c) Health and Family Committee of July 20, 2010.**

**i. Request Approval for Active Medical Staff; Courtesy Medical Staff; Temporary Privileges; & Permanent Privileges; &**

**MOTION BY REBECCA ALEGRIA TO CONCUR WITH THE HEALTH AND FAMILY COMMITTEE OF JULY 20, 2010 TO RECOMMEND TO THE LEGISLATURE TO (A) APPROVE PETER KEENAN, M.D.; JOSEPH GUENTHER, M.D.; AND SUE WARRINGTON, RN, NP FOR REAPPOINTMENT TO ACTIVE MEDICAL STAFF FOR A PERIOD OF TWO (2) YEARS TO BE REVIEWED AGAIN IN JULY 2012; (B) TO REAPPOINT DAVID LARSEN, D.P.M. TO COURTESY MEDICAL STAFF FOR A PERIOD OF TWO (2) YEARS TO BE REVIEWED AGAIN IN JULY 2012; (C) APPROVAL OF TEMPORARY PRIVILEGES FOR JAY KENNARD, M.D. TO PERFORM IMPLANON BIRTH CONTROL IMPLANTS TO BE REVIEWED AFTER SIX (6) MONTH OR FIVE (5) CASES; AND (D) PERMANENT PRIVILEGES TO RONALD FULLER, D.D.S. FOR PLACEMENT AND RESTORATION OF ENDOSSEOUS IMPLANTS. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**ii. Request Approval on Position Papers for Lobbying Purposes.**

**MOTION BY REBECCA ALEGRIA TO CONCUR WITH THE HEALTH AND FAMILY COMMITTEE OF JULY 20, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE POSITION PAPERS SUPPLIED BY THE MENOMINEE TRIBAL CLINIC AND MAEHNOWESEKIYAH WELLNESS CENTER FOR LOBBYING PURPOSES. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**d) Enforcement Resource and Protection Committee of July 21, 2010.**

**i. Request Legal Opinion in Reference to Ordinance No. 85-21 Motor Vehicle Code;**

**MOTION BY BRUCE PECORE TO CONCUR WITH THE ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE OF JULY 21, 2010 TO RECOMMEND TO THE LEGISLATURE TO HAVE THE LEGAL SERVICES DEPARTMENT RENDER A LEGAL OPINION WHETHER OR NOT THE MENOMINEE TRIBAL LEGISLATURE HAS THE CONSTITUTIONAL AUTHORITY TO MAKE LAWS WITHOUT FOLLOWING THE ORDINANCE PROCEDURE AND OR DELEGATE AUTHORITY FOR THE STATE OF WISCONSIN TO MAKE LAWS ON THE RESERVATION (IN REFERENCE TO ORDINANCE 85-21 – MOTOR VEHICLE CODE). NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**ii. Request Approval to MITW/EPA Environmental Program Agreement;**

**MOTION BY BRUCE PECORE TO CONCUR WITH THE ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE OF JULY 21, 2010 TO APPROVE THE MITW/EPA ENVIRONMENTAL PROGRAM DEVELOPMENT AND IMPLEMENTATION AGREEMENT AND SEND TO THE TRIBAL LEGISLATURE FOR APPROVAL. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 1 OPPOSED (ALEGRIA), 0 ABSTENTIONS, AND 0 ABSENT.**

**PLEASE NOTE: Legislator Alegria qualified her opposition as follows: "I'm opposed to the EPA environmental program and implementation agreement due to the chemicals and pesticides involved: Accord, 2,4-D, Garlon, 3A, Garlon 4, Karmex, Oust, Roundup, Navigate, Sporax, Cellutreat, Gypcheck, and Aquathol SuperK."**

iii. Request Approval for Variance of Sewer System; &

**MOTION BY BRUCE PECORE TO CONCUR WITH THE ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE OF JULY 21, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE VARIANCE REQUEST FOR THE SEWAGE SYSTEM AT THE RON WESCOTT PROPERTY. NO SECOND NECESSARY. THE MOTION CARRIED: 6 FOR, 2 OPPOSED (CHEVALIER & WARRINGTON), 0 ABSTENTIONS, AND 0 ABSENT.**

**PLEASE NOTE:** Legislator Chevalier qualified his opposition as follows: *"I don't believe that the Enforcement Resource and Protection Committee could grant a variance for something that is under the Community Development Committee's control."*

**Legislator Warrington qualified her opposition as follows:** *"I think it should have went to the Community Development Committee."*

iv. Request Tribal Chairman to Follow-Up with WDNR.

**MOTION BY BRUCE PECORE TO CONCUR WITH THE ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE OF JULY 21, 2010 TO RECOMMEND TO THE LEGISLATURE TO AUTHORIZE THE CHAIRMAN OF THE LEGISLATURE TO FOLLOW UP WITH THE LEGAL RESPONSE THAT WAS SENT TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

e) Labor, Education, and Training Committee of July 28, 2010.

i. Request Approval for Non-Tribal Teachers Limited Access to the Forest for Educational Purposes.

**MOTION BY LYNNETTE MILLER TO CONCUR WITH THE LABOR, EDUCATION, AND TRAINING COMMITTEE OF JULY 28, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE AS PER FOREST MANAGEMENT PLAN RECOMMENDATION TO ALLOW NON TRIBAL MEMBER TEACHERS LIMITED ACCESS TO THE FOREST FOR EDUCATIONAL PURPOSES SO LONG AS THE TEACHERS NOTIFY TRIBAL CONSERVATION AND THE CHAIRMAN'S OFFICE OF WHO WILL BE IN THE FOREST, THE TIME AND LOCATIONS THAT THEY WILL BE IN THE FOREST, AND IT DOES NOT INTERFERE WITH TRIBAL AFFAIRS AND BUSINESSES, AND THE TEACHERS AND STUDENTS ARE NOT IN POSSESSION OF ANY HUNTING, FISHING, AND TRAPPING EQUIPMENT WHILE IN THE FOREST. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 1 OPPOSED (ALEGRIA), 0 ABSTENTIONS, AND 0 ABSENT.**

**PLEASE NOTE:** Legislator Alegria qualified her opposition as follows: *"There is no guidelines in place for non-tribal members, and there are too many current issues regarding forest and cultural resource protection and protecting our traditional burial grounds at time."*

28. 2010 Legislative Goals Progress Reports.

The Tribal Legislature updated each other on their Legislative goals and progress thus far; nevertheless, they did have a few reports that required approval or action.

**MOTION BY KENNETH FISH TO AUTHORIZE THE TRIBAL CHAIR TO SEND TO MTE THE DRAFT LETTER WITH CORRECTIONS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 1 OPPOSED (CHEVALIER), 0 ABSTENTIONS, AND 0 ABSENT.**

**PLEASE NOTE:** Legislator Chevalier qualified his opposition as follows: *"None of our letters have been getting answered by MTE so I think it's a waste of paper and postage."*

**PLEASE NOTE:** Legislator Alegria stepped out of the meeting at 6:17 P.M., and did not return until the Legislature was in Executive Session.

**MOTION BY RANDAL CHEVALIER TO APPROVE THE LOBBYING TASK FORCE MEMBERS BRUCE PECORE, KENNETH FISH, AND MYSELF (RANDAL CHEVALIER) TO TAKE UP THE LOBBYING ISSUES UNTIL THE**

INTERGOVERNMENTAL AFFAIRS SPECIALIST IS HIRED TO TAKE IT OVER HIMSELF. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

29. AS PER LRP 5.03 – EXECUTIVE SESSION: (A) Legal – 1) Tribal Member’s Appeal to Management Team’s Decision; 2) Updates & Other Defined Issues on the Constitutionality of Ordinance 99-01 Conservation Commission Code; 3) Conflict Waiver – Dorsey & Whitney; 4) Assignment of Right to Rent Property; 5) Approval of Attorney Contract; 6) Potential Property Purchase; & 7) MITW vs. MTE et al; (B) Personnel; & (C) Gaming – 1) Kenosha Project Update; & 2) MIGA Board Updates.

MOTION BY LISA WAUKAU TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

**\*\*\*EXECUTIVE SESSION WAS NOT RECORDED\*\*\***

MOTION BY LISA WAUKAU TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

(A) Legal

- 1) Tribal Member’s Appeal to Management Team’s Decision;

MOTION BY MYRNA WARRINGTON TO HAVE OUR TRIBAL ATTORNEY BRING BACK HIS OPINION ON THE LEGALITY OF THAT JANUARY 2009 VOTE ON THE 2008 – 2010 HUNTING AND FISHING REGULATIONS, AND ALSO THAT WE DISCUSS WITH THE CONSERVATION COMMISSION THE ISSUES THAT HAPPENED WITH THAT COMPLAINT, AND ALSO DISCUSS MANAGEMENT WHAT HAD HAPPENED WITH THE COMPLAINT AND HAVE THAT BACK BY SEPTEMBER 2, 2010. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 1 ABSTENTION (FISH), AND 0 ABSENT.

PLEASE NOTE: Legislator Fish qualified his abstention as follows: *“I’m not real clear on some of the issues.”*

- 2) Updates & Other Defined Issues on the Constitutionality of Ordinance 99-01 Conservation Commission Code;

MOTION BY REBECCA ALEGRIA TO APPROVE THE SUMMARY AND SAMPLE ORDINANCE NON-MEMBER HUNTING, FISHING, TRAPPING, AND GATHERING PRIVILEGES FOR A REFERENDUM VOTE IN THE 2011 GENERAL ELECTION THIS JANUARY. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

- 3) Conflict Waiver – Dorsey & Whitney;

MOTION BY REBECCA ALEGRIA TO APPROVE THE CONFLICT WAIVER FOR THE LAW FIRM OF DORSEY AND WHITNEY. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

- 4) Assignment of Right to Rent Property;

PLEASE NOTE: This motion was made in relation to agenda item number (A) (6).

- 5) Approval of Attorney Contract;

MOTION BY LISA WAUKAU THAT WE APPROVE THE CONTRACT RENEWAL AT THE RATES LISTED FOR HOBBS, STRAUS, DEAN, AND WALKER. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

**6) Potential Property Purchase; &**

**MOTION BY LISA WAUKAU THAT WE REFER THE MERLIN WILBER PROPERTY ISSUE AND THE MARIE FLORING RENTAL ISSUE TO THE MIEDA BOARD FOR THEIR ACTION. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**7) MITW vs. MTE et al;**

There was no motion made after coming out of Executive Session.

**(B) Personnel;**

There was no motion made after coming out of Executive Session.

**(C) Gaming**

**1) Kenosha Project Update; &**

There was no motion made after coming out of Executive Session.

**2) MIGA Board Updates.**

**PROPRIETARY MOTION MADE BY KENNETH FISH TO HAVE A WRITTEN REPORT BY THE CHAIRMAN OF THE MIGA BOARD ON THAT ISSUE THAT WE DISCUSSED IN EXECUTIVE SESSION FOR THE NEXT LEGISLATURE MEETING. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 2 OPPOSED (CHEVALIER & WARRINGTON), 0 ABSTENTIONS, AND 0 ABSENT.**

**PLEASE NOTE: Legislator Chevalier qualified his opposition as follows: *"I don't believe that is required for this Legislature."***

**Legislator Warrington qualified her opposition as follows: *"I'm opposed too, because I think that the Management should make a report out to the Legislature."***

**30. Adjournment.**

**MOTION BY BRUCE PECORE/LISA WAUKAU TO ADJOURN. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

Meeting adjourned at 8:39 p.m.

Respectfully submitted by,



Debra A. Bowman, Recorder/Transcriber  
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE